

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

-FILED-

JAN 22 2024

At _____ M
Chanda J. Berta, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
\$81,500.00 in U.S. Currency, *et al.*,)
)
Defendants.)

Case No. 2:24-mc-5

**MOTION TO EXTEND TIME TO FILE COMPLAINT FOR
FORFEITURE AND/OR TO OBTAIN INDICTMENT ALLEGING
FORFEITURE**

Comes now United States of America, by its counsel, Clifford D. Johnson, United States Attorney for the Northern District of Indiana, through Madison Lo Dolce, Assistant United States Attorney, and as authorized by 18 U.S.C. § 983(a)(3)(A), moves the Court to extend the time in which the United States is required to file a complaint for forfeiture and/or to obtain an Indictment/Information alleging forfeiture, up to and including February 29, 2024, regarding property to which a claim has been filed in the administrative forfeiture proceeding with the Drug Enforcement Administration ("DEA"). In support of its stipulated motion, the United States respectfully states as follows:

1. The United States, through the DEA, has seized and commenced administrative forfeiture proceedings against the following assets (hereinafter referred to as “Defendant Property”):

- \$81,500.00 in United States Currency
- \$545.00 in United States Currency
- \$80,306.00 in United States Currency
- \$30,381.12 in United States Currency
- \$35,040.00 in United States Currency
- \$9,970.00 in United States Currency
- Assorted Gold Jewelry, VL: \$68,000.00

2. In the course of those administrative forfeiture proceedings, the DEA sent written notice of its intent to forfeit the Defendant Property to all known persons that may have an interest in each of the Defendant Property, as required by Title 18, United States Code, Section 983(a)(1)(A).

3. On October 17, 2023, Tan Minh Tran, through his attorney, Timothy Bianco, filed a claim to some of the Defendant Property that was seized from him during a traffic stop on July 24, 2023.

4. On October 23, 2023, Adriana Jones, through her attorney, Samuel Mitchell, filed a claim against the Defendant Property in administrative forfeiture proceedings that the DEA has commenced against the Defendant Property. The United States did not know Adriana Jones to have an interest,

or purported interest, in any of the Defendant Property before she filed her claim.¹

5. The United States understands that Adriana Jones asserts claims as to each of the Subject Assets based on:

- a. a judgment she, and others, obtained against the Juarez Cartel in the District of North Dakota (D.N.D. 1:20-cv-00132) after members of the Juarez Cartel ambushed and killed nine United States citizens in Mexico and injured several others;
- b. an assertion that the Terrorism Risk Insurance Act (“TRIA”), Title 28, United States Code, Section 1610 gives the her a right to execute her judgment against assets of the Juarez Cartel; and
- c. a claim that each of the Defendant Property is such an asset of the Juarez Cartel that is subject to execution or attachment under TRIA.

6. Besides Tan Minh Tran and Adriana Jones, no other party filed a claim as to any of the Defendant Property in the respective administrative forfeiture matters pertaining to each of the Subject Assets, and, under Title

¹ In addition to the claims Adriana Jones has filed against the Defendant Property in this District, she has filed hundreds of additional claims—totaling approximately 780 claims—as to assets that the United States has seized in various parts of the country on this same basis. *See* Attachment A.

18, United States Code, Section 983(a)(2)(A)-(E), the time for any person to do so has expired.

7. After a claim was filed in the administrative proceeding against the Defendant Property, the DEA transmitted that claim to the United States Attorney's Office for the purpose of initiating a judicial forfeiture action against the Defendant Property.

8. Title 18, United States Code, Section 983(a)(3) provides:

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

18 U.S.C. § 983(a)(3).

9. The 90-day deadlines for filing a timely civil forfeiture complaint against the Defendant Property that has been referred to the United States Attorney's Office for this judicial district range from on or about January 15, 2024 to on or about February 1, 2024.

10. The United States Attorney's Office is currently evaluating the factual and legal bases for its potential civil forfeiture complaints and the administrative claims filed against the Defendant Property.

11. As set forth in the Agreement to Extend the Filing Deadline, which is attached as Attachment B, Adrianna Jones and the United States have agreed to extend the time up to and including February 29, 2024, within which the United States may timely file a judicial forfeiture proceeding against Defendant Property to give the parties sufficient time to try to resolve these matters before the United States files or declines to file any such a judicial forfeiture action. Attachment B, ¶ 5.

12. Additionally, Tan Minh Tran, through his attorney, Timothy Bianco, has agreed to extend the deadline within which the United States may timely file a judicial forfeiture proceeding against the Defendant Property from February 1, 2024, up to and including February 29, 2024.

13. Under Title 18, United States Code, Section 983(a)(3)(A), “a court in the district in which the civil forfeiture complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.” 18 U.S.C. § 983(a)(3)(A).

WHEREFORE, the United States, based upon the agreement described above, and for good cause shown, respectfully requests this Court extend the period in which the United States is required to file a Complaint against the property and/or to obtain an Indictment/Information including a forfeiture allegation up to and including February 29, 2024.

Respectfully submitted,

CLIFFORD D. JOHNSON
UNITED STATES ATTORNEY

By: /S/ Madison Lo Dolce
Madison Lo Dolce
Assistant U.S. Attorney
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320
(219)937-5515; fax: (219)937-5550
email:Madison.lodolce@usdoj.gov

CERTIFICATE OF SERVICE

On January 22, 2024, I served his motion by electronic mail on the following:

Michael Elsner
melsner@motleyrice.com

Sam Mitchell
Sam@mitchellfirmllc.com

Timothy Bianco
Tbianco@timbiancolaw.com

By: */S/ Madison Lo Dolce*
Madison Lo Dolce
Assistant U.S. Attorney
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320
(219)937-5515; fax: (219)937-5550
email:Madison.lodolce@usdoj.gov